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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/784,743  
Filing Date: February 23, 2004  
Appellant(s): SYLVAIN, DANY

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John R. Witcher, III  
Reg. No. 39,877  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6/3/10 appealing from the Office action mailed 11/3/09.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 1-15 and 30-44 are rejected.

Claims 1-15 and 30-44 are pending.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

6373828 B1	Steward et al	4-2002
7136375	Koistinen	11-2006

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-8, 11-15, 30-32, 35-37, and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Steward et al (US 6373828 B1).

**Regarding Claims 1 and 30**, Steward teaches transitioning a call with a mobile terminal from a cellular connection to a local wireless connection

(Col.11:lines 9-14), the system comprising: a) at least one communication interface (Fig.4: signaling interface 350); b) a control system (Fig.4:312 and Col.12:lines 35-38, the computing platform 312 is the control system) associated with the at least one communication interface (Fig4:350, connected to the control system so it is associated with the interface) and adapted to:

i) receive an inter-switch handoff request from a wireless switch supporting a call to the mobile terminal over a cellular access network (Col.12:lines 35-38), the call comprising a first connection from the wireless switch (Fig.4:MSC 317) to the mobile terminal and a second connection between the wireless switch and an entity (Col.11:lines 9-14 and Col.5:lines 60-66, mobile moves from the cellular network to the local wireless connection so there is a pre-established first connection from the mobile station to the MSC 317 and since the mobile has a call in progress there is a second connection to the other phone (i.e. entity)); ii) effect establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal (Col.13:lines 19-25 and Fig.8:623, terminal adaptor is the base station element 306 and handover is complete so a new connection is established); and iii) provide an inter-switch handoff instruction to the wireless switch (i.e. MSC 317) to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection (Col.13:lines 25-39 and Fig.8:627 and 629, computing platform forwards a mobile station (i.e. inter-switch handoff instruction) to the msc).

**Regarding Claims 2 and 31**, Steward further teaches the inter-switch handoff connection is established in part between a wireline switch and the terminal adaptor (Col.13:lines 1-6, wireline switch 316 and terminal adaptor 306).

**Regarding Claims 3 and 32**, Steward further teaches the inter-switch handoff request is received and the inter-switch handoff instruction is provided using a cellular protocol (Col.12:lines 35-38, IS-41 is an AMPS cellular protocol) while the establishment of the inter-switch handoff connection is effected using a public switched telephone network-based protocol (Col.9:lines 53-55 and Col.4:lines 26-43, a mobile station in the generic network communicates using a PSTN based protocol).

**Regarding Claims 6 and 35**, Steward further teaches inter-switch handoff connection is established using a directory number associated with the mobile terminal when supported via the terminal adaptor (Col.12:lines 46-55, TDN is a Directory Number).

**Regarding Claims 7 and 36**, Steward further teaches the inter-switch connection is established in part over a packet network (Col.4:lines 51, use of internet protocols indicates a packet network) operatively coupled to the terminal adaptor (Fig.4:306) (Col.4:lines 51, Internet Protocol).

**Regarding Claims 8 and 37**, Steward further teaches the inter-switch handoff request is received and the inter-switch handoff instruction is provided using a cellular protocol (Col.12:lines 35-38, IS-41 is an AMPS cellular protocol) while the establishment of the inter-switch handoff connection is effected using a packet-

based communication session protocol (Col.4:lines 51, signal 355 in Fig.4 can be an IP connection so the establishment of a connection would be IP based).

**Regarding Claims 11 and 40**, Steward teaches providing a inter-switch handoff message to the wireless switch to confirm handoff to the inter-switch handoff connection (Col.13:lines 25-39 and Fig.8:627 and 629, computing platform forwards a mobile station (i.e. release message), to the MSC 317 to confirm handoff of the call from the cellular connection to the local wireless connection).

**Regarding Claims 12 and 41**, Steward teaches the inter-switch handoff request comprises a cell site identifier to which the wireless switch is attempting to handoff the call, the cell site identifier corresponding to the terminal adaptor (Col.12:lines 24-26).

**Regarding Claims 13-14 and 42-43**, Steward teaches the cell site identifier is provided to and then accessed by the wireless switch by/from the mobile terminal (Col.12:lines 12-26 and 35-44, the target cell identifier is provided by the mobile terminal moving around and the determination by a base station elements that a handover request needs to be sent and accessed by platform 312).

**Regarding Claims 15 and 44**, Steward teaches providing the cell site identifier to the wireless switch (Col.12:lines 21-26).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 9-10, 33-34, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steward et al (US 6373828 B1) in view of Koistinen (US 7136375 B1).

**Regarding Claims 4, 9, 33, and 38**, Steward teaches all the limitations as recited in claim 2, and Steward further teaches of the utilization of internet protocols at the wireline switch side, which indicates the presence of a packet network (Col.4:lines 51) and Steward further teaches a call initiation request (i.e. handover request) sent from a cellular network to a generic network (Col.11:lines 9-14), however **Steward does not expressly teach** first and second media gateways, the first media gateway connected to the wireless switch via a cellular-based trunk and the second media gateway connected to the wireline switch via a public switched telephone network-based trunk, the method further comprising sending call initiation messages to the first and second media gateways and the wireline switch to establish the inter-switch handoff connection.

Koistinen teaches first and second media gateways (Fig.3, gateway 304 and gateway 306), the first media gateway connected to the wireless switch via a cellular-based trunk (Fig.3, trunk between 301 and 304) and the second media gateway connected to the wireline switch via a public switched telephone network-based trunk (Fig.3 and Col.4:lines 1-4, trunk between 305 (i.e. PSTN) and 306).



Therefore, it would have been obvious to modify Steward with Koistinen at the time of the invention to provide a network element to connect the various networks to one another to provide interoperability so that the user of a mobile device is able to access various networks for the purposes of making a phone call and sending email while on the move with a single device as opposed to carrying around multiple devices, i.e. phones and laptops.

**Regarding Claims 5, 10, 34, and 39**, Koistinen further teaches that gateways, i.e. the first and second, facilitate interworking between the cellular-based trunk and the public switched telephone network-based trunk over a packet network (Col.3:lines 26-31).

#### **(10) Response to Argument**

##### **Argument 1**

- Appellant argues Stewart does not teach transitioning a call with a mobile terminal from a cellular connection to a local wireless connection because Stewart does not disclose a local wireless connection.

The examiner respectfully disagrees. Stewart teaches transitioning from a cellular connection (Col.11:lines 9-14, MSC based wireless system) to a local wireless connection (Col.11:lines 9-14, Generic C-based system). The Claimed limitation is broadly recited and does not limit, in any way, what a local wireless connection can be. The examiner has interpreted the Generic C-based system to be the local wireless communication system providing a local wireless connection since the mobile terminal is provided service (i.e. a wireless connection) by the

Generic C-based system when the mobile terminal is in an area local (i.e. near) to the wireless communication system (i.e. Generic C-Based system) (Col.5:lines 55-66), hence the Generic C-based system provides a local wireless connection.

- Appellant argues that Stewart does not teach "effecting establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal" and does not teach "providing an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection" *because* the Generic C-based system is not a local wireless system.

The examiner respectfully disagrees. The examiner notes that the claims do not, in any way, limit what a local wireless system could be. The examiner has taken the position that a Generic C-based system is a local wireless system since it provides wireless communications to the mobile station when the mobile station is local (i.e. near) to the Generic C-based system.

Therefore the Stewart reference teaches "effecting establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor, which supports local wireless communications with the mobile terminal" (Col.13:lines 19-39 and Col.11:lines 53-57, the base station element 306 is terminal adaptor supporting local wireless connections to the mobile terminal and handover is from MSC317 to switch 316) and Stewart further teaches "providing

an inter-switch handoff instruction to the wireless switch to connect the second connection and the inter-switch handoff connection to effect handoff of the call from the cellular connection to the local wireless connection" (Col.13:lines 19-39, handover message is inter-switch handoff message).

#### Argument 2

- Appellant argues that the examiners interpretation of terminal adaptor is incorrect since the first base station element 306 mapped to the terminal adaptor does not support WLAN or 802.11 protocols and therefore Stewart does not teach "Terminal Adaptor which supports Local Wireless Communications with the Mobile Terminal".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., local wireless area uses WLAN or 802.11 protocols) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Local wireless connection is a very broad and the examiner has interpreted the Generic C-based system to be the local wireless communication system. It can be seen in the rejection that the examiner has interpreted the terminal adaptor to be the base station element 306 (Col.13:lines 19-25 and Fig.8:623 of Stewart) and it supports communications to the mobile terminal. The examiner has taken the

position that a Generic C-based system is a local wireless system since it provides wireless communications to the mobile station when the mobile station is local (i.e. near) to the Generic C-based system (Col.5:lines 55-66).

### Argument 3

- Appellant argues that Stewart does not teach the inter-switch handoff connection is established to the mobile terminal via the terminal adaptor and then the handoff is effected by connecting the already established connection between the wireless switch and the entity (referred to as the "second connection" in claim 1) with the inter-switch handoff connection to the mobile terminal via the terminal adaptor.

The examiner respectfully disagrees. Appellants basis for this argument is that there is no terminal adaptor therefore the limitation as recited above is not taught. However, Stewart teaches "effect establishment of an inter-switch handoff connection to the mobile terminal via a terminal adaptor (Col.13:lines 19-24, via the terminal adaptor, handover from one switch to another (i.e. inter-switch handoff) is completed), and it is this terminal adaptor which supports local wireless communications with the mobile terminal (Col.13:lines 19-25 and Fig.8:623, terminal adaptor is the base station element 306 and handover is complete so a new connection is established via the terminal adaptor to the mobile terminal). Once again, Local wireless connection is a very broad and the examiner has interpreted the Generic C-based system to be the local wireless

communication system. It can be seen in the rejection that the examiner has interpreted the terminal adaptor to be the base station element 306 (Col.13:lines 19-25 and Fig.8:623 of Stewart) and it supports communications to the mobile terminal.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Wesley L Kim/

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